IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 27386 of 2007(I)

PETITIONER:

JOHNY JOSE, S/O. JOSE, AGED 35 YEARS,
ERINJERY HOUSE, OLLUR P.O., OLLUR, THRISSUR.

BY ADV. SRI.C.S.MANU
SRI.S.K.PREMRAJ
SRI.ANOOP JOSEPH
SRI.ANOOP.V.NAIR
SRI.ABHILASH AKBAR
SRI.T.B.SIVAPRASAD

RESPONDENTS:
----

1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. COMMISSIONER OF LAND REVENUE,
TRIVANDRUM.

3. DISTRICT COLLECTOR,
TRICHUR.

4. REVENUE DIVISIONAL OFFICER,
TRICHUR.

5. ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, CHERPU, TRICHUR-20.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
==========
W.P.(C) NO. 27386 OF 2007
==========

Dated this the 14th day of September, 2007

J U D G M E N T

Petitioner submits that he is the owner of 12 cents of land and the residential building therein comprised in Survey No.789 of Ollur Village. It is stated that the 5th respondent has issued Ext.P4, by which the petitioner was required to vacate from the premises within 48 hours. It is challenging Ext.P4 that this writ petition has been filed.

2. Since the petitioner is in possession of the property mentioned in Ext.P4, without issuing him a notice and allowing him to make his representations in the matter, respondents cannot order his eviction.

3. Therefore, I dispose of this writ petition directing that Ext.P4 be treated as a show cause notice and the petitioner will be permitted to file his representations in the matter within two weeks from the date of receipt of a copy

of this judgment. Before orders are passed, notice shall be given to the petitioner and he should be allowed an opportunity of hearing in order to enable him to prove his contentions. Thereafter the 5th respondent shall pass a speaking order adverting to the contentions raised by the petitioner. In the meantime further proceedings pursuant to Ext.P4 shall be kept in abeyance. If the order so passed is adverse to the petitioner, coercive action pursuant thereto shall not be continued for a period of two weeks.

ANTONY DOMINIC, JUDGE.

Rp